

REMARKS

Applicants thank the Examiner for the careful consideration of the subject application. The Office Action mailed January 28, 2009 has been carefully considered. In this Office Action, Claims 1-6, 20-33, 42, 44, 45, 62, 64-71, 73, 88-93, 107-118, 127, 129-130, 147-49, 152, 167-177, 285, 187, 188, 205-206, 223, 224, 233, 236, 238-241, 255-268, 276, 277, 279, 280, 297-301, and 303-319 are pending and are rejected. Claims 7-19, 34-41, 43, 46-61, 63, 72, 72a, 74-86, 94-106, 119-126, 128, 131-146, 150, 151, 153-164, 178-184, 186, 189-204, 210-222, 225-232, 234, 235, 237, 424-254, 269-275, 278, 281-296, and 302 have been previously cancelled without prejudice. Claims 1, 62, 88, 147, 205, and 236 have been amended with the filing of this response and no new matter has been added and the amendments are supported by, at least, page 22 lines 23-27 and page 18 lines 13-17.

Claims 1, 72, 88, 147, 150, 151, and 205 were objected to. Claims 1-5, 20-33, 44-45, 62, 64-71, 87-92, 107-118, 129-130, 147-150, 165-177, 187-188, 205-208, 223-224, 236, 238-240, 255-268, 276, 279-280, 297-300, 303-304, 306-307, 309-310, 312-313, 315-319 were rejected under 35 USC 102. Claims 6, 42, 73, 93, 127, 152, 185, 209, 233, 241, 277, 301, 305, 308, 311, and 314 were rejected under 35 USC 103. Based on the aforementioned amendments and the arguments presented herein, Applicants respectfully request reconsideration, removal of the rejections, and that the claims be placed in condition for allowance.

Claim Objections

Claims 1, 72, 88, 147, 150, 151, and 205 were objected to. Applicants have amended or cancelled these claims and respectfully assert that the amendments render these objections moot. Applicants therefore respectfully request that these rejections be withdrawn.

35 USC 102

The Office Action rejected Claims 1, 62, 88, 147, 205, and 236 under 35 US 102 as anticipated by Bowman-Amuah (ES Patent No. 6,289,382), hereinafter Bowman. Applicants have amended Claims 1, 62, 88, 147, 205, and 236. As the Office Action rejected these claims together, Applicants will respond in kind in one argument. Applicants assert that Bowman may not be used as a proper 35 USC 102 rejection as it does not disclose each and every element of the claimed invention.

Bowman, in general, states he discloses:

A system, method, and article of manufacture are provided for delivering service via a globally addressable interface. A plurality of interfaces are provided with access allowed to a plurality of different sets of services from each of the interfaces. Each interface has a unique set of services associated therewith. Each of the interfaces is named with a name indicative of the unique set of services associated therewith. The names of the interfaces are then broadcast to a plurality of systems requiring service.

As well, Bowman describes “Object oriented programming” and its “process of developing computer software using objects, including the steps of analyzing the problem, designing the system, and constructing the program.” However, Applicants would respectfully assert that Bowman does not disclose the claimed features. With respect to Applicants arguments, Applicants rely on the clarification provided in the Examiner’s interview mailed May

19, 2009. However Applicants assert, as noted in each previous response, that Bowman does not disclose the features of Claims 1, 62, 88, 147, 205, and 236.

First, Applicants assert that Bowman does not disclose “defining a plurality of realms, wherein each of said realms contains objects representing attributes and relationships of selected ones of said one or more components, wherein said one or more components represented include at least one physical element of the system; wherein each of said plurality of realms contains at least one object common to at least two of said plurality of realms.” The cited portion of Bowman asserted to correspond to this claimed feature was Col 126, lines 51-61, Col. 127 lines 1-43 and Fig. 36 elements 3610.

At this cited portion, Bowman discusses “business components and partitioned business components.” Bowman states “a project team begins to define the application architecture for an organization’s business capabilities.” Referring to Bowman at Col. 126, Bowman appears to be describing a methodology that “serve[s] to break down large complex problems into smaller, cohesive elements . . . model the business in terms of real-world business concepts.” Figure 36 seems illustrate the “Business Components” becoming “Partitioned Business Component.” That is, Bowman seems to be providing “data modeling” which “encapsulates both information and behavior.”

However, Applicants respectfully assert that Bowman does not disclose “wherein each of said plurality of realms contains at least one object common to at least two of said plurality of realms.” Bowman describes “break[ing] down large complex problems into smaller, cohesive elements . . . model the business in terms of real-world business concepts,” where the claims states that the “plurality of realms contains . . . object common to at least two of said . . . realms.”

Applicants assert that Bowman contains no such “object common to at least . . . realms,” rather Bowman seems to simply be dividing the elements into “smaller, cohesive elements.”

Second, Applicants assert that Bowman does not disclose “defining associations between said plurality of realms to unify objects in said plurality of realms, wherein said associations represent an identification of said at least one object common to at least two of said plurality of realms” or “unifying objects in said realms based on said associations that said at least one object is common to at least two of said plurality of realms.” The cited portion of Bowman for this claim feature is Col. 126 line 51-67 and col. 127 line 1-43). Here, Bowman is discussing “break[ing] down large complex problems into smaller, cohesive elements . . . model the business in terms of real-world business concepts.” However, Applicants respectfully assert that this is not equivalent to “unif[y][ing] objects in said plurality of realms, wherein said associations represent an identification of said at least one object common to at least two of said plurality of realms.” Rather, Bowman is using modeling to partition a business component into partitioned business components.” In contrast, Applicants are unifying “objects in said plurality of realms” where Bowman is “break[ing] down.”

Third, Applicants respectfully assert that Bowman does not disclose “propagating a behavior, based on a result of said function, of one of the unified objects of said first realm to said unified object of a second realm of said plurality of realms using said at least one association between the first realm and the second realm to determine the impact of the function of the first realm in the second realm.” The cited portion asserted to correspond to claimed this feature is Bowman Col. 128 lines 1-61. Here, Bowman describes how “Business Components . . . encapsulate information . . . [and] the behaviors and rules associated with those entities.” Here

again, Bowman is describing how he divides a “complex problem” into “smaller problems.”

However, Applicants assert Bowman does not disclose “unified objects” and therefore can not disclose “propagating a behavior” “based on . . . a function” “of one of the unified objects.” As well, Applicants respectfully assert that Bowman does not disclose “propagation . . . to determine the impact of the function of the first realm in the second realm” ““based on . . . of one of the unified objects.”

Therefore, Applicants would respectfully assert that Bowman does not disclose the claimed features of Claims 1, 62, 88, 147, 205, and 236. Not disclosing each and every element of Claims 1, 62, 88, 147, 205, and 236, Applicants assert Bowman may not be used as a proper 35 USC 102 rejection. Therefore Applicants respectfully request that the rejection of Claims 1, 62, 88, 147, 205, and 236 be withdrawn and these claims be placed in condition for allowance. As Claims 2-6, 20-33, 42, 44, 45, 64-71, 73, 88-93, 107-118, 127, 129-130, 148-150, 152, 167-177, 285, 187, 188, 206, 223, 224, 233, 238-241, 255-268, 276, 277, 279, 280, 297-301, and 303-319 depend on Claims 1, 62, 88, 147, 205, and 236 and Applicants believe that Claims 1, 62, 88, 147, 205, and 236 are allowable, Applicants believe that the dependant claims should allowable for at least the same reasons. Therefore, Applicants respectfully request withdrawal of the rejections of the dependant claims and that the dependant claims also be placed in condition for allowance.

35 USC 103 rejection Claims 6, 73, 93, 152, 209, and 241

The Office Action rejected Claims 6, 73, 93, 152, 209, and 241 under 35 USC 103 as anticipated by Bowman in light of Semeria (Multiprotocol Label Switching: Enhancing Routing in the New Public Network), hereinafter Semeria. Applicants respectfully assert that Bowman

Applicant: Shaula Alexander Yemini, *et al.*
U.S.S.N.: 10/813,842
Filing Date: 3/31/2004
EMC Docket No.: EMC-05-098(PRO)ORD

and Semeria can not be used as a proper 35 USC 103 rejection for Claims 6, 73, 93, 152, 209, and 241 as they do not satisfy the KSR test as promulgated by the Supreme Court.

In *Teleflex v. KSR*, the Supreme Court stated that a proper 35 USC 103 rejection requires the following steps be performed: (1) Determining the scope and content of the prior art; (2) Ascertaining the differences between the claimed invention and the prior art; and (3) Resolving the level of ordinary skill in the pertinent art. *Teleflex Inc. v. KSR Int'l Co.* 127 S.Ct. 1727, 1741, 82 USPQ.2d 1385, 1396 (2007). This three part test has also been reemphasized and promulgated in the Federal Register. *Federal Register*, Vol. 72, No. 195.

With respect to KSR Applicants first address the scope of Bowman. Bowman states he provides:

A system, method, and article of manufacture are provided for delivering service via a globally addressable interface. A plurality of interfaces are provided with access allowed to a plurality of different sets of services from each of the interfaces. Each interface has a unique set of services associated therewith. Each of the interfaces is named with a name indicative of the unique set of services associated therewith. The names of the interfaces are then broadcast to a plurality of systems requiring service.

As well, Bowman describes “Object oriented programming” and its “process of developing computer software using objects, including the steps of analyzing the problem, designing the system, and constructing the program.”

With respect to the second prong of KSR and Bowman, Applicants would respectfully assert that Bowman does not disclose “defining a plurality of realms, wherein each of said realms contains objects representing attributes and relationships of selected ones of said one or more components, wherein said one or more components represented include at least one physical element of the system; wherein each of said plurality of realms contains at least one object

common to at least two of said plurality of realms,” or “defining associations between said plurality of realms to unify objects in said plurality of realms, wherein said associations represent an identification of said at least one object common to at least two of said plurality of realms” or “unifying objects in said realms based on said associations that said at least one object is common to at least two of said plurality of realms” or “propagating a behavior, based on a result of said function, of one of the unified objects of said first realm to said unified object of a second realm of said plurality of realms using said at least one association between the first realm and the second realm to determine the impact of the function of the first realm in the second realm” as is claimed. To support this assertion, Applicants incorporate the arguments made as to why Bowman may not support a proper 35 USC 102 rejections.

With respect to the first prong of KSR, Applicants now address the scope of Semeria. Semeria states the first half of his paper describes “the forces that motivated the development and evolution of these different solutions [MPLS].” He states the second half of his paper describes “the goals and objective of the MPLS working group, the core MPLS components ...”

With respect to the second prong of KSR and Semeria, Applicants respectfully assert that Semeria does not cure the deficiencies of Bowman. Specifically, Applicants assert Semeria does not disclose, at least, “propagating a behavior, based on a result of said function, of one of the unified objects of said first realm to said unified object of a second realm of said plurality of realms using said at least one association between the first realm and the second realm to determine the impact of the function of the first realm in the second realm.”

Applicants therefore assert that the cited references, in isolation or in combination, do not teach the claimed invention. Applicants further assert that one skilled in the relevant computer

arts would not bridge the gap to arrive at the current invention. Therefore, Applicants respectfully assert that these references, in combination or in isolation, fail to satisfy the 35 USC 103 test as promulgated by the Supreme Court in KSR. As a result, Applicants assert that this 35 USC 103 rejection is improper and respectfully request it be removed and Claims 6, 73, 93, 152, 209, and 241 be place in condition for allowance.

35 USC 103 rejection Claims 42, 127, 185, 233, 277, 301, 305, 308, 311, and 314

The Office Action rejected Claims 42, 127, 185, 233, 277, 301, 305, 308, 311, and 314 under 35 USC 103 as anticipated by Bowman in light of McGee (US Patent No. 6,289,382), hereinafter McGee. Applicants respectfully assert that Bowman and McGee can not be used as a proper 35 USC 103 rejection for Claims 6, 73, 93, 152, 209, and 241 as they do not satisfy the KSR test as promulgated by the Supreme Court.

In *Teleflex v. KSR*, the Supreme Court stated that a proper 35 USC 103 rejection requires the following steps be performed: (1) Determining the scope and content of the prior art; (2) Ascertaining the differences between the claimed invention and the prior art; and (3) Resolving the level of ordinary skill in the pertinent art. *Teleflex Inc. v. KSR Int'l Co.* 127 S.Ct. 1727, 1741, 82 USPQ.2d 1385, 1396 (2007). This three part test has also been reemphasized and promulgated in the Federal Register. *Federal Register*, Vol. 72, No. 195.

With respect to KSR Applicants first address the scope of Bowman. Bowman states he provides:

A system, method, and article of manufacture are provided for delivering service via a globally addressable interface. A plurality of interfaces are provided with access allowed to a plurality of different sets of services from each of the interfaces. Each interface has a unique set of services associated therewith. Each

of the interfaces is named with a name indicative of the unique set of services associated therewith. The names of the interfaces are then broadcast to a plurality of systems requiring service.

As well, Bowman describes “Object oriented programming” and its “process of developing computer software using objects, including the steps of analyzing the problem, designing the system, and constructing the program.”

With respect to the second prong of KSR and Bowman, Applicants would respectfully assert that Bowman does not disclose “defining a plurality of realms, wherein each of said realms contains objects representing attributes and relationships of selected ones of said one or more components, wherein said one or more components represented include at least one physical element of the system; wherein each of said plurality of realms contains at least one object common to at least two of said plurality of realms,” or “defining associations between said plurality of realms to unify objects in said plurality of realms, wherein said associations represent an identification of said at least one object common to at least two of said plurality of realms” or “unifying objects in said realms based on said associations that said at least one object is common to at least two of said plurality of realms” or “propagating a behavior, based on a result of said function, of one of the unified objects of said first realm to said unified object of a second realm of said plurality of realms using said at least one association between the first realm and the second realm to determine the impact of the function of the first realm in the second realm” as is claimed. To support this assertion, Applicants incorporate the arguments made as to why Bowman may not support a proper 35 USC 102 rejections.

With respect to the first prong of KSR and McGee, Applicants now address the scope of McGee. McGee states he provides a “system and method for dynamically generating alarm thresholds for performance metrics, and for applying those thresholds to generate alarms.”

Applicant: Shaula Alexander Yemini, *et al.*
U.S.S.N.: 10/813,842
Filing Date: 3/31/2004
EMC Docket No.: EMC-05-098(PRO)ORD

McGee also states “[s]tatistical methods are used to generate one or more thresholds for metrics that may not fit a Gaussian or normal distribution, or that may exhibit cyclic behavior or persistent shifts in the values of the metric.”

With respect to the second prong of KSR and McGee, Applicants respectfully assert that McGee does not cure the deficiencies of Bowman. Specifically, Applicants assert McGee does not disclose at least, “propagating a behavior, based on a result of said function, of one of the unified objects of said first realm to said unified object of a second realm of said plurality of realms using said at least one association between the first realm and the second realm to determine the impact of the function of the first realm in the second realm”

Applicants therefore assert that the cited references, in isolation or in combination, do not teach the claimed invention. Applicants further assert that one skilled in the relevant computer arts would not bridge the gap to arrive at the current invention. Therefore, Applicants respectfully assert that these references, in combination or in isolation, fail to satisfy the 35 USC 103 test as promulgated by the Supreme Court in KSR. As a result, Applicants assert that this 35 USC 103 rejection is improper and respectfully request it be removed and Claims 42, 127, 185, 233, 277, 301, 305, 308, 311, and 314 be place in condition for allowance.

Applicant: Shaula Alexander Yemini, *et al.*
U.S.S.N.: 10/813,842
Filing Date: 3/31/2004
EMC Docket No.: EMC-05-098(PRO)ORD

Conclusion

In view of the foregoing, the Applicants believe that the application is in condition for allowance and respectfully request favorable reconsideration.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at (508) 293-7450.

Please charge all fees occasioned by this submission to Deposit Account No. 05-0889.

Respectfully submitted,

Dated: May 28, 2009

/Joseph J. D'Angelo/
Joseph J. D'Angelo (Reg. No. 56,800)
Attorney for Applicants
EMC Corporation
Office of General Counsel
176 South Street
Hopkinton, MA 01748
Telephone: (508) 293-7450
Facsimile: (508) 293-7189